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ABSTRACT

An examination of the ways in which United States postal policies affected the development of the magazine industry before Congress passed the second-class mail category in 1863 reveals how a medium is shaped at least in part by the technology, policy, and politics of its delivery systems. In the nineteenth century, magazines depended on the mails for distribution more than the other print media, but several obstacles kept them from enjoying the postal privileges conferred on newspapers: (1) as a medium distinct from newspapers, the magazine was relatively new and unfamiliar to policymakers; (2) magazines, pamphlets, and books were thought to be heavier and less transportable than newspapers; (3) magazines lacked the vigorous lobby that safeguarded newspapers' interests; and (4) in a purely subjective judgment, the information purveyed by magazines was deemed less significant and less timely than that contained in papers. The disparity between newspaper and magazine rates prompted publishers to design their publications to resemble newspapers regardless of the content. The postal status of magazines improved by the middle of the nineteenth century because improved modes of transportation accommodated bulkier mails and the post office had grown tired of making fine distinctions among publications. (Author/FL)

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MAGAZINES AND POSTAL POLICY

BEFORE THE SECOND-CLASS MAIL CATEGORY

By

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Presented to the Magazine Division, Association for Education in Journalism and Mass Communication, annual convention, Oregon State University, Corvallis, Oregon, August 1983.

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MAGAZINES AND POSTAL POLICY BEFORE THE SECOND-CLASS MAIL CATEGORY

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ABSTRACT

This paper examines the ways postal policy affected the development of the magazine industry before Congress created the second-class mail category in 1863. On a more theoretical level, it endeavors to show how a medium is shaped at least in part by the technology, policy, and politics of its delivery system--a process that continues today in an era of modern telecommunications.

Magazines depended on the mails for distribution more than the other print media of the nineteenth century, but several obstacles kept them from enjoying the postal privileges conferred on newspapers: As a medium distinct from newspapers, the magazine was relatively new and unfamiliar to policymakers; magazines, pamphlets, and books were thought to be heavier and less transportable than newspapers; magazines lacked the vigorous lobby that safeguarded newspapers' interests; and, in a clearly subjective judgment, the information purveyed by magazines was deemed less significant and less timely than that contained in the press.

The disparity between newspaper and magazine rates prompted publishers to design their publications to resemble newspapers regardless of the contents. The postal status of magazines improved by the middle of the nineteenth century because improved modes of transportation accommodated bulkier mails and the post office had grown tired of making fine distinctions among publications based on slight differences in contents.

The creation of the second-class mail category in 1863 represented a partial victory for magazine publishers. Postage was now content neutral, though frequency of publication remained grounds for some discrimination. Periodicals issued less than once a week--mostly magazines--continued to pay slightly higher rates.

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Magazines depended on the mails for distribution more than the other print media of the nineteenth century. Yet the policymakers who drafted the first U.S. postal laws had the interests of newspapers uppermost in mind whenever they considered printed matter. Several obstacles kept non-newspaper periodicals from gaining the favor of Congressmen and post office authorities: the magazine as a medium distinct from newspapers was relatively new and unfamiliar; magazines, pamphlets and books were thought to be heavier and less transportable than newspapers; magazines lacked the vigorous lobby that safeguarded newspapers' interests; and, in a clearly subjective judgment, the information purveyed by magazines was deemed less significant and less timely than that contained in the press. Consequently, postal laws were at first hostile to magazines, gradually became more benign, but did not put magazines on the same footing as newspapers until 1863.

Why did the post office and Congress gradually extend some privileges to magazines before creating a single mail category that embraced all periodical publications in 1863? How did early postal policy affect the development of the magazine industry? On a more theoretical level, this paper endeavors to show how a medium is shaped at least in part by the technology, policy, and politics of its delivery system--a process that continues today in an era of modern telecommunications.

Toward a Grudging Recognition of Magazines (1792-1825)

The Post Office Act of 1792 failed to mention magazines, forcing them to pay letter rates if sent by post. Two Philadelphia magazines--the Columbian and the Museum--suspended publication because of the prohibitively high postage charges. But magazines in Boston, New York, and Baltimore survived, either because they were less dependent on the mails, or because sympathetic postmasters accorded them newspaper rates.[1]

The Post Office Act of 1794 recognized magazines and pamphlets as mailable matter, but still left them in a precarious position. Magazines and pamphlets could be transported in the mails "where the mode of conveyance and the size of the mails will admit of it."[2] The admission of magazines to the mails thus became contingent upon the judgment of hundreds of postmasters. Magazines and pamphlets paid considerably more than newspapers for the same service (see Table 1). The act set magazine and pamphlet postage at 1 cent per sheet for under 50 miles, 1 1/2 cents for 50 to 100 miles, and 2 cents for any greater distance. A typical 64-page magazine of the day, printed on four octavo sheets, paid 4 cents, 6 cents or 8 cents depending on the distance conveyed. For a monthly magazine, the subscriber thus paid 48 to 96 cents postage every year, a significant portion--20 to 40 percent--of the total cost.[3]

The casual attitude displayed toward non-newspaper periodicals was further exemplified in the 1798 rules and regulations issued by Postmaster General Joseph Habersham. He dismissed the lack of space for magazine postage in the postmasters' quarterly account forms with the remark, "It is probable very few will be fent in the mail."[4] No separate provision had been made for keeping accounts of magazine and pamphlet postage when Postmaster General Gideon Granger issued instructions in 1804;

Table 1

A Comparison of Letter, Newspaper and Magazine Rates, 1792-1863

[Price per piece sent 500 miles, postage paid in cents.]

Law	Letters[a]	Newspapers	Magazines[b]
1792	25	1.5	8
1825	25	1.5	17.5
1845	10	1.5	7.5
1851	6	0.58	3
1852	6	0.5	2
1863	3	.38	2

[a] Postage for a single-sheet letter; rates rose in proportion to the number of pages.

[b] Postage for an average monthly, which was usually about 6 ounces.

Sources: U.S. Post Office Department, United States Domestic Postage Rates, 1789-1956 (Washington: Government Printing Office, 1956); Jane Kennedy, "Development of Postal Rates: 1845-1955," Land Economics 33 (May 1957), p. 99; U.S. Statutes at Large for the various post office laws; and Frank L. Mott, A History of American Magazines (Cambridge: Harvard University Press, 1930), I, p. 517.

he told deputies to add magazine revenues to newspaper postage in making their returns to Washington. Granger reminded postmasters that "you are not to receive" magazines and pamphlets if inconvenient to transport them.[5]

Prescribing different rates for different types of periodicals created the problem of categorizing a publication as either a newspaper or as a magazine/pamphlet. Postmaster General Granger made the first half-hearted attempt to define the different types of periodicals in his 1808 instructions to postmasters. "The words newspaper, magazine, and pamphlet, are to be taken in their common acceptation," he informed his deputies. A newspaper gave accounts of political and other occurrences and was published once a week or more often, he further advised. A magazine was any other publication issued at regular intervals.[6] Again, Granger's successor elaborated: "[A] magazine is a monthly pamphlet containing articles on science, politics, news &c. A pamphlet is a small stitched unbound book, consisting of two or more sheets." A publication thus was deemed a magazine by examining its frequency of publication and contents. The 1817 postal instructions also prescribed that printed advertising circulars were to be charged with letter postage.[7]

In 1815 Postmaster General Meigs decided that magazines and pamphlets interfered with the mails and should be excluded altogether.[8] Shortly thereafter he made an exception for the publications of "the several Bible Societies."[9] But the postmaster general decided against publicizing the order admitting religious periodicals to the mails "because there would be application for the admifsion of many other Pamphlets of no public utility whatever."[10] As a result of Meigs's order banning non-newspaper periodicals, most magazines published at this time were intended for local delivery. Not surprisingly, religious magazines, exempt from the

ban, attained the largest national circulations.[11]

While the postmaster general had effectively barred most magazines from the mails, Congress reaffirmed the 1794 rates for those few accepted for conveyance. For the purpose of determining postage, the Act of April 9, 1816, defined 4 folio pages, 8 quarto pages, or 16 octavo pages of a pamphlet or magazine as one sheet.[12] This provision simply recognized in statute what postmasters had commonly determined in practice, demonstrating how those postal officials were able to help shape the laws. Rates remained 1 to 2 cents per sheet depending on the distance conveyed. But Postmaster General Meigs was still advising his subordinates in 1817 not to accept magazines if the mail was to be carried far on horseback and could not accommodate the added bulk.[13] Such rules show clearly that the types of vehicles used by the post office partly determined the nature of public information circulated through the mails.

Intensified Lobbying (1825-1845)

The Act of March 3, 1825, the first overhaul of postal laws since 1794, raised magazine rates slightly. Magazines and pamphlets issued periodically continued to pay 1 1/2 cents per sheet for conveyance up to 100 miles, but the charge rose by a half cent to 2 1/2 cents for those mailed greater distances. For the first time a separate category was created for non-periodical magazines and pamphlets--4 cents for each sheet sent less than 100 miles and 6 cents for any greater distance.[14] A 96-112 page octavo-sized magazine now paid 9 or 17 1/2 cents postage per issue. The 1825 act left newspaper rates untouched, so any periodical deemed a magazine was placed at a competitive disadvantage. Magazines styled themselves as newspapers to take advantage of the lower rates. The maiden

issue of the octavo-sized Mechanics Register, for example, reminded its readers that it "is a newspaper, and is therefore chargeable with newspaper postage only."[15]

At the most fundamental level, the 1825 act did not expand the right of magazines to be transported in the mails. The law still left the mailability of non-newspaper publications to the judgment of postmasters: "When the mode of conveyance, and size of the mail, will admit of it, such magazines and pamphlets as are published periodically, may be transported in the mail to subscribers. . . ."[16] In 1835, Postmaster General Amos Kendall acknowledged this power in a letter to the House post office committee, but asserted that it had not been exercised to exclude magazines. In fact, he added, the law had been construed so favorably that the mails were opened to "a variety of printed matter under the name of periodicals, which was scarcely entitled to admission." Kendall said that the practice of sending great quantities of periodicals by post was so common that he was inclined to reform the regulations governing their conveyance rather than trying to close the mails. He suggested that rates be calibrated to the size or weight of publications.[17]

Ever more complex postal regulations tried to cope with the growing variety of periodical publications. Regulations issued to amplify the 1825 law were slightly more precise than earlier ones, but they too put postmasters in the position of deciding what rates to assess partly on the basis of the contents of a publication. Somewhat naively, the postmaster general still told his deputies that "the words newspaper, magazine, and pamphlet, are to be taken in their common acceptation. . . ." Newspapers had to appear weekly or more often, and give "an account of political or other occurrences." The postmaster general further advised that extras

issued by regular newspaper publishers could pass at newspaper rates, an early sign that the post office adapted its rules to suit the increasing timeliness of newspapers. A magazine was distinguishable from a newspaper by the frequency of publication—monthly or less often--and by its contents--"articles on science, politics, news &c. . . ."[18]

Aside from frequency of appearance, the major difference seems to have been the extent to which a publication dealt with political intelligence, a somewhat narrow construction of news. Business publications added a column or more of news to qualify for the lower newspaper rates.[19] Postmaster General John McLean broadened the newspaper category in an 1828 circular to postmasters:

> When a paper is published periodically on a large sheet, in the common form of a newspaper, it should be so considered. Where the form is different, the subject matter must determine its character. If it contains leading articles of intelligence, a summary of political events, or what is generally termed news, and is published weekly, or oftener, it should be called a newspaper.

According to this directive, a periodical was to be deemed a newspaper if published in a traditional newspaper format, or alternately, if its subject matter qualified it as one. The appropriate subject matter of newspapers was still nebulous, and "political events" was the only category specified. The postmaster general's circular cited Niles's Weekly Register, published as a pamphlet, and the American Farmer, which appeared in quarto form, as examples of the second category, newspapers in a non-traditional format.[20]

When called upon to determine whether a periodical should be charged newspaper or magazine postage, the postmaster general generally resolved ambiguity in favor of the publication. The postmaster at Marietta, Pennsylvania, wrote asking whether The Gospel Herald and The Anvil were newspapers. Of the Gospel Herald the postmaster general

replied, "though of a rather doubtful character, [it] 's published regularly, & it is so near the character of a newspaper, that it may be considered as such." The Anvil had been determined by his predecessor to be a newspaper.[21]

Only a few other adjustments in the laws and regulations affecting magazines occurred between the 1825 act and the rewrite in 1845. Under the 1825 act, any magazine, no matter how small, paid at the rates for a full sheet. The Act of March 2, 1827, reduced by half the full postage on pamphlets and magazines printed on half or quarter sheets of royal size paper. The act also imposed a penalty of double postage on printers who failed to mark on the cover of a magazine the number of pages it contained.[22] The 1832 postal regulations took cognizance of the trend to use more and larger illustrations in publications; postmasters were instructed to treat an engraving as any other page, unless it occupied a whole sheet, in which case postage was to be correspondingly higher. The same regulations directed that magazine covers, unless containing ads or articles, should not be counted in determining postage.[23]

In 1832 a group of Boston publishers complained to Congress that printed matter paid more postage than was needed to cover the cost of its conveyance and that magazine rates higher than those for newspapers constituted unjust discrimination.[24] As can be seen in Table 2, nearly 60 percent of the 432,493 sheets of periodicals (magazines of more than one sheet would be counted more than once) sent from Boston traveled beyond 100 miles. The publishers contended that the postage collected on all the periodicals, $9,037, was $7,523 more than would be paid for regular land carriage of other merchandise. These calculations, however, overlooked substantial expenses incurred by the post office--the costs of establishing

Table 2

Magazines and Pamphlets Mailed Yearly from Boston, 1832

	Under 100 miles 1 1/2 cents per sheet	Over 100 miles 2 1/2 cents per sheet	Total
Number of sheets	177,501	254,992	432,493
Postage paid	$2,663	$6,375	$9,038
Weight	8,875 lbs.	12,750 lbs.	21,625 lbs.
Cost if shipped outside the mails[a]	$ 266	$1,148	$1,414
Excess paid to mail	$2,396	$5,126	$7,523
Excess paid for magazine format[b]	$ 888	$2,550	$3,438

[a] The cost for shipping by stage was 3 cents per pound, the same charged passengers.

[b] This represents the amount of postage collected beyond that which would have been charged if the same number of sheets had been sent at newspaper rates.

Source: "Postage on Newspapers and Periodicals," petition of Boston publishers to House of Representatives, American State Papers No. 116, 22d Cong., 1st sess., Feb. 13, 1832, p. 343.

and maintaining roads, salaries, facilities at the offices of mailing and delivery, and administrative overhead.

Furthermore, the memorialists noted that publishing in a magazine format penalized them by imposing $3,437 in postage beyond that charged to the same number of sheets of newspapers. They marshaled several arguments against this discriminatory pricing. Differences between newspapers and magazines in contents, size, and weight did not warrant the higher postage:

> The discussion of the same topics in a newspaper and a periodical work cannot be supposed to render their value essentially different: the one being more direct and immediate, but more transient, in its effects; the other less rapid, but more permanent, in its influence. Nor is it maintained that those subjects of science and art, or literature and education, which newspapers cannot fully discuss, are not essential to our national character and prosperity. Both classes of periodicals your memorialists regard as indispensable to our national welfare, to prevent our falling behind the rest of the world in knowledge and improvement.

In terms of size and weight, the publishers noted, pamphlet periodicals tended to consist of smaller pages and be printed on drier, lighter paper than that commonly used by newspapers. Therefore, since "they are less burdensome to the mail, they should not be charged with a higher rate." One last form of discrimination was criticized: magazine publishers were denied the privilege of exchanging copies free among themselves that their counterparts in the newspaper business depended upon to acquire most of their non-local news.[25]

The Boston publishers failed to sway Congress in 1832. During the 1830s Congress sometimes considered putting magazines on the same footing as newspapers, but it remained until the 1840s for pressure to mount to the extent that serious deliberations were started.[26] A number of magazine publishers in New York City fired the first salvo in this renewed round of fighting. In 1840 they petitioned Congress to reduce magazine

postage to the levels charged newspapers.[27] Not surprisingly, magazines used their own columns to argue against the inequity of inordinately large newspapers traveling anywhere in the country for a fraction of the postage assessed other periodicals.[28]

A more important impetus for change, however, arose from the post office to which fell the irksome task of classifying publications as either newspapers or magazines. Such determinations were becoming more difficult with the proliferation of magazines in a variety of formats and covering a wide range of subjects. The postmaster general in 1840 noted the difficulty his department faced in making these decisions and consequently many were referred to the U.S. attorney general.[29] But neither was the Attorney General's office confident in assigning a publication to one category or another.

Many of the periodicals whose postal status was in doubt were banking and commercial publications. In 1842, for example, Attorney General Hugh S. Legare fumbled with the question of whether the The Shipping and Commercial List and New York Price Current was entitled to newspaper postage. Legare, formerly editor of the Southern Review, traced definitions of newspapers back to early British stamp acts. "The question you propound is one of no ordinary difficulty," he wrote to the postmaster general, "because neither any statute, nor any decision of our courts, so far as I have been able to discover, furnishes the definition you seek." The New York Price Current's own history illustrates the somewhat arbitrary nature of decisions by postal officials: Before 1837 the publication was "rated by the Postmaster General to be a newspaper," but in December of that year the postmaster general deemed it "not to be a newspaper, and since then has been charged with letter postage." Likewise, the price

currents of New Orleans, Savannah and Charleston had been assessed the much higher letter rates.[30]

In reviewing the various definitions, Legare arrived at four criteria that a publication must meet to qualify as a newspaper: 1) that it is published for everybody's use, 2) on a fairly regular basis, 3) conveying news, "not mere dissertation and discussion," and 4) issued in sheets "in a rather cheap form." But in the absence of more explicit legislative instructions, the attorney general predicted, cases would continue to arise which would perplex postal authorities. Legare concluded that price currents met the definition of a newspaper as long as they were mailed from publisher to the readers; copies distributed by commercial houses to their clients failed to satisfy that requirement.[31]

Two years later, another attorney general tackled a similar question. John Nelson advised Postmaster General Charles A. Wickliffe that the New York Bank-Note List should be charged pamphlet postage rather than newspaper rates. His ruling, however, did not ring with confidence. He conceded that the question "may be much more satisfactorily decided by a publisher than by a lawyer." For guidance, Nelson turned to dictionaries for the common construction of the term.[32]

The publishers of the New York Bank-Note List, Edmund Charles and Son, retaliated with a pamphlet "Dedicated to Members of the Post Office Committee and Members of Congress Generally" in which they argued that publications such as their own deserved the most favorable treatment accorded newspapers. They noted that their Bank-Note List, if folded as a newspaper, would pass in the mail for 1 or 1 1/2 cents. But the publication was meant to be preserved, so its two sheets were folded and stitched into 32 pages, which subjected it to pamphlet rates of 5 cents a

copy. It occupied no more room in the mail than most newspapers, they said, but the "consequence of this excessive tax upon it is to shut it entirely out of the mails." The Bank-Note List would have a national circulation but for the high postage, its publishers claimed; "as it is the circulation is principally confined to the city of New York, while those which are sent to other cities find their way through such channels as private expresses, &c, to the prejudice of the Post Office Department." The situation was even worse for supplements of the List published to announce bank failures and the issuance of fraudulent bank notes. These specials, considered circulars by postal officials, were charged 25 cents postage, virtually excluding them from circulating through the mails.[33]

The Mammoth Literary Miscellanies

Another problem, one partly responsible for some of the changes enacted in 1845, was the publication of serial literature in the form of weekly newspapers. The Depression of 1837-43 crippled the American book publishing industry, creating a paucity of books. Two enterprising writers who had been associated with Horace Greeley's New-Yorker, Park Benjamin and R. W. Griswold, launched the literary miscellany Brother Jonathan in 1839 to fill the demand for inexpensive fiction. The publication's mission was suggested by its subtitle: A Weekly Compend of Belles Lettres and the Fine Arts, Standard Literature, and General Intelligence. There was a little original fare, but most of its columns were filled with reprinted serial versions of the latest European best-sellers. Dickens's Nicholas Nickleby, for example, appeared in sixteen installments soon after Brother Jonathan began publication. In October 1839 Benjamin and Griswold left Brother Jonathan to found a similar sheet, the New World. Brother Jonathan was

continued by its financial backer and soon these two weeklies were joined by a number of imitators.[34]

These dispensers of popular fiction survived in large part by taking advantage of the post office's nebulous definitions and generous policy toward newspapers. As competition for large circulations heightened, the literary weeklies each promoted itself by claiming to be the largest folio sheet in the world. New World ignited the rivalry and set the record with its Christmas issue of 1841. This issue measured six feet seven inches by four feet four inches for a surface area of 3,500 inches. Publishing in such an inordinately large format had at least two very real advantages: no matter how large, the mammoth weeklies could pass through the mails at the rates assessed one copy of a regular newspaper, and printing one large sheet required less effort than displaying the same contents on a number of smaller pages. The publishers of the "mammoths" or "Leviathans," as they were sometimes called, took pains to point out that one of their issues contained as much reading matter as six daily newspapers or more than many books. In addition to imitating the physical appearance of newspapers, the mammoth broadsheets also included a few news items to enhance their legitimacy.[35]

The post office did more than simply deliver the publications. Postmasters were recruited to serve as subscription agents for the city-based literary weeklies. They used their position at the center of community activities to reach potential readers. New World, Brother Jonathan and similar publications induced postmasters to solicit subscribers by letting them keep 75 cents of each $3.00 subscription. Postmasters collected and forwarded the subscriptions, saving the reader from having to pay letter postage. Using postmasters as well as private

agents, the leading mammoth literary weeklies were able to build sizable national circulations. In fact, the literary weeklies made a special appeal to country readers who often lived far from the nearest book seller and could not depend on the mails to accept books for transportation.[36]

The post office, perhaps prodded by newspaper and book publishers, took notice of the problem by 1841.[37] The difficulty lay in the latitude the post office left to newspapers: the rate schedule (1 cent or 1 1/2 cents depending on distance) was not geared to size, number of pages, or weight. Magazines, on the other hand, paid according to the number of sheets. The first hint of action came in Postmaster General Wickliffe's 1841 report where he asked Congress to alter the law so as to discriminate between typical newspapers and the mammoth sheets. No action was taken then, but two years later, the literary miscellanies began succumbing to attacks from the post office, book publishers, and competition from city papers which offered eclectic weekly editions for far-flung readers.[38]

The post office changed its policy when in 1842 the weeklies began issuing special editions of two or more sheets on an irregular basis. Up to this time they had been permitted to pass at the newspaper rates, but now Postmaster General Wickliffe deemed them non-periodical pamphlets, which subjected them to rates several times that charged newspapers. Wickliffe relied on the 1842 opinion of Attorney General Legare which had struggled to define newspapers. Although Wickliffe had specifically asked about the postal status of financial publications, Legare's opinion covered other kinds of periodicals. Brother Jonathan and kindred sheets failed to qualify as newspapers on two counts of Legare's four point definition. Legare would require that bona fide newspapers appear fairly regularly, and

another of his criteria dealt directly with these publications: "3rd That they convey news, not mere dissertations and discussions, or literary and poetical miscellanies."[39]

The ruling was wielded first against a supplement of Brother Jonathan that reprinted Bulwer's Zanoni. Wickliffe instructed the postmaster at New York to rate the supplement as a non-periodical pamphlet, liable to 12 or 18 cents postage instead of the 1 or 1 1/2 cents that would have been assessed at newspaper rates. The reasons for that determination: it was published not in loose sheets but stitched and with a paper cover. New World, however, escaped the same fate by issuing its edition of the same work without a cover and stitches. Both publications converted to a newspaper format and passed again at newspaper rates.[40]

Difficulties flared up again about a year later. When Postmaster General Wickliffe issued instructions in August 1843 they contained two sections which deprived the mammoth sheets of their newspaper status:

> 161. Reprints of books or magazines in newspaper form, are likewise to be rated with periodical pamphlet postage.
> 162. Extras of a paper which contain mainly and chiefly a re-publication of books or private matter must be placed on the footing of periodical pamphlets.[41]

Apparently there was no concrete basis for this shift in policy; Congress had not revised the law and the attorney general had not addressed the matter since his 1842 ruling.

One possibility is that the postmaster general intended to punish the publications for their abuse of his department. During the early 1840s they--as well as many other segments of the press--had complained about postage rates higher than freight charges and about the administration of the department. A more likely reason for the turnabout in policy was the decline in post office revenue which Wickliffe reported to Congress in

1843. The postmaster general ascribed part of the problem to the increasing competition from private express companies in transporting the mails.[42] Despite prohibitions on the use of post roads for the private transportation of mail, many express companies were able to flourish, in part from their carriage of publications. When the post office withdrew newspaper rates from the supplements of the mammoth weeklies in 1843, New World defiantly announced that it would use private expresses for everything that they would carry. Private firms offered to deliver Littell's Living Age, another cheap literary miscellany, at one-fourth of the government's rate, though they could not match the government's service to rural subscribers.[43]

A year after Wickliffe first called for legislation remedying the problem, Congress in 1842 began consideration of a post office act to reduce postage and devise some scheme to charge postage by the size or weight of publications. Policy governing publications had not changed to keep pace with the transformations in the publishing industry, and this revision was part of a large-scale effort to fix postage at levels roughly proportional to the cost of conveyance. The chairman of the Senate post office committee underscored the necessity for a new schedule by holding "up a newspaper about ten feet square, as a specimen of the abuse in relation to newspaper transmission."[44] The policymakers doubtless intended to cripple the mammoth weeklies at the same time that they preserved favorable rates for the more traditional--and politically influential--city dailies. Committee Chairman William Merrick explained the goal of the first section of the act:

> It provides for the redress of a great abuse in the transmission of newspapers called mammoth newspapers, of greater size than the Journal of Commerce, which is taken as the maximum standard, calculated to be 1,307 square

> inches. The postage on this size will be 1 cent; and, for every five inches square beyond that standard, once cent additional. He explained the necessity of this provision, and again exhibited a double mammoth Brother Jonathan, about ten feet square.[45]

A few days later, the standard limit was raised to 1,450 square inches in several stages as senators kept identifying traditional newspapers that they wanted to qualify for the lowest rates. At a standard limit of 1,450 inches, such publications as Brother Jonathan and New World would have been charged about $14 postage since the proposal called for an increase of 1 cent for each additional five square inches.[46]

The bill as reported from the House post office committee retained the same standard size limit but increased the rates for publications exceeding 1,450 square inches. The House committee suggested that an extra cent be assessed for each square inch beyond 1,450.[47] Such a charge would have virtually excluded any newspaper larger than the standard size from the mails. This bill, however, died in the Twenty-Seventh Congress.

The next Congress revived the issue in 1844 and went through many of the same steps. The Senate post office committee reported a bill that fixed the crucial cut-off point at 1,325 inches. The surcharge for larger papers was much more modest than that proposed earlier: one cent for each additional 250 square inches. Merrick said that the committee intended Brother Jonathan and New World to go at pamphlet rates. The Senate agreed to raise the limit for newspapers to 1,600 and later to 1,900 square inches so that most city dailies could be mailed at the lowest rates. The Senate concurred with Merrick's amendment to expand the definition of publications qualifying as newspapers. In the original bill, publications appearing less frequently than once a week could not qualify, but, as approved, some

monthlies would be considered newspapers.[48]

The decline of the mammoth sheets in the mid-1840s coincided with the various shifts in postal policy. Not surprisingly, some historians, including Frank L. Mott, the leading student of nineteenth century magazines, have ascribed the death of the literary miscellanies to the inhospitable postal policy. Specifically, Mott asserts that the imposition of pamphlet postage on the supplements in 1843 curtailed circulation, and that lower rates for book postage in the 1845 law encouraged the leading publishing houses to enter the mail-order business.[49] But in a thoughtful reappraisal of the question, James J. Barnes concluded that the actions of the post office were not the fundamental reason for the demise of the cheap popular broadsheets. Barnes points out that when the post office in 1843 rated the Brother Jonathan supplements as pamphlets, the literary miscellanies simply modified their format. And when the postmaster general erected more formidable obstacles to the cheap use of the mail, the miscellanies diverted much of their business to the private expresses. Barnes discounts the argument that the lower book rates in the 1845 law enabled major book publishers to cut into the miscellanies' market. He observes that the 1845 act still forbade mailing bound books, and that the act reduced the rate on pamphlets, which should have aided, not curtailed, Brother Jonathan's and New World's business reprinting books in pamphlet form.[50]

Barnes believes that the decline of the miscellanies resulted more from changes in the publishing business than from hostile actions by the post office. He explains that the audience for the cheap literary fare was fragmented by competitors coming from several directions. On one side, daily newspapers began courting some of the readers who had been attracted

to such publications as Brother Jonathan. Appealing to a different segment of the market, book publishers, notably Harper's, began offering inexpensive literature and nonfiction. Finally, the imitators spawned by the success of Brother Jonathan and New World cut into the mass circulations that produced the profits necessary in a venture where the return per copy was so small.[51] For whatever reason, the mammoth literary miscellanies were floundering by the mid-1840s and had disappeared by the early 1850s, their mission absorbed by other parts of the burgeoning mass communication industry.

Toward More Equitable Magazine Postage (1845-1863)

Magazine postage had remained relatively stable since the 1790s, but in the middle of the nineteenth century rates changed rapidly, culminating in a single category for all periodicals in 1863. The first major change came in 1845. Previously, postage had been determined by the number of sheets, whether a publication was issued periodically, and the distance conveyed--under or over a hundred miles. Magazines and pamphlets now were charged 2 1/2 cents if under 1 ounce, with another cent for each additional ounce. The distance provision was abolished, perhaps in response to the complaints of Western magazines that they had suffered in comparison to Eastern magazines because their subscribers were scattered over larger areas. The higher charge under the 1825 law for non-periodical publications was eliminated, too.[52]

For most magazines, the new rate was but a small improvement over the old; some pamphlet publishers, however, profited from the abolition of the much higher non-periodical rates. The post office remained unfriendly to publications' use of the mails for strictly commercial purposes. The

new law imposed a rate of 3 cents on printed handbills, circulars and advertisements with postage prepaid at the office of mailing. Genuine newspaper extras and supplements could pass at the lowest rates. If, however, they were advertisements masquerading as newspapers, they were to be charged at the relatively steep circular rates. And the regulations amplifying the new law reduced the uncertainty about the proper classification of the mammoth literary miscellanies: "Reprints of books or magazines in newspaper form, are likewise to be rated with periodical pamphlet postage."[53]

Although the new law simplified matters by eliminating the category of non-periodical publications, one of the oldest, most perplexing problems continued to nag postal officials: how to distinguish between newspapers and magazines. The problem would persist as long as the two types of periodicals were treated differently in the rate structure. Shortly after the 1845 law took effect, the attorney general was again called upon to distinguish between the two. Attorney General J. Y. Mason first noted that his predecessors had grappled with the same elusive issue--and not with much success, as they and he readily conceded. Mason then isolated what he considered, under the law, to be the essential feature of a newspaper: "[I]t must be a publication communicating to the public intelligence of passing events. And it is to the contents, rather than to the form, that you must refer to determine the question." Some essays on moral, literary or political issues might be found in a newspaper, but its primary object must be the collection and dissemination of news, he emphasized.[54]

While this opinion probably reflected the intent of Congress, it hardly resolved the problem. Ironically, the definition of magazines given

in the 1847 regulations recognized that they might contain some news articles, which suggests how blurred the distinction could be.[55] Thus, hundreds of postmasters would now have to ascertain whether a given publication included a sufficient quantity of news to qualify for the most advantageous rate.

According a most favorable status to publications which emphasized news rested on the unstated assumption that timely news was somehow more important and deserving of government subsidy than other kinds of information and discussion. Boston publishers had recognized the questionable validity of this value judgment in 1832. A writer in the New Englander reviewing the merits and shortcomings of the 1845 law saw the folly in this position, too. He acknowledged the "usefulness of newspapers, on the whole, in diffusing information through society. But are newspapers exclusively useful in their way?" he asked. "Are they more useful than books? or more useful than periodicals in other forms? . . . What good reason is there for giving these privileges to the publishers of the [New York] Courier and Inquirer, and withholding them from the American Review?"[56]

At least three privileges accorded newspapers in the 1845 law were still denied magazines. Newspaper publishers saved letter postage by sending their bills to subscribers attached to the margins of their publications; magazine and pamphlet publishers were not entitled to the same privilege. Newspaper publishers could also exchange copies of their publications postage-free among themselves; this formed the backbone of newsgathering before the telegraph and press associations. Magazines were deprived of this valuable service. And effective with the 1845 law, newspapers were delivered by post without charge within thirty miles of the

office of publication. This privilege was not conferred on magazines.[57]

Some policymakers attempted to improve the position of magazines in postal law during the Thirtieth Congress. In 1848 John Niles of the Senate post office committee, who had been a newspaper editor and postmaster general, reported a bill to reduce postage and to lump all publications into a single category with the modest rate of 1 cent per ounce. This was perhaps the first serious suggestion by a Congressman to treat all publications, even books, equally. Later amendments to the bill extended the privilege of free exchanges to magazines and the right of magazines to include bills with their publications without extra postage. Although this legislation failed to pass, it foreshadowed developments in postal law.[58]

The slow progress toward a single classification for all periodicals was interrupted by the puzzling and short-lived Act of March 3, 1851. In the haste to adjourn, the House accepted a poorly considered Senate version of a post office bill which contained several confusing provisions affecting publications. Where the 1845 law had a flat rate for magazines regardless of distance, the act passed in 1851 created five zones. The postage per ounce for magazines was 1 cent for circulation up to 500 miles; 2 cents, 501 to 1,500 miles; 3 cents, 1,501 to 2,500 miles; 4 cents, 2,500 to 3,500 miles; and 5 cents for any greater distance. But the law had a twist: it mandated prepayment of postage, but also provided that if postage was collected in advance--prepaid--the above charges were reduced by half. These rates were actually quite favorable. A one ounce publication could travel to the farthest zone--over 3,500 miles--at the same postage set in the 1845 law. Since most magazines circulated closer to the office of publication, they actually paid less postage than

before.[59]

Rates for circulars, handbills, and other printed matter were the same as for magazines except that they had to be prepaid and there was no reduction in the postage charged. In effect, this made postage for such printed matter twice that for magazines. The only other noteworthy aspect of the 1851 law was that it finally extended the right of free exchanges to all publications issued at least once every three months.[60]

A number of writers lambasted the new arrangements, but the most important criticism appeared in the postmaster general's 1851 report.[61] Reviewing the effects of "this experiment," as Nathan K. Hall called it, he concluded that magazine postage should be about the same as that for newspapers and the zones consolidated into two or three.

> It is difficult to assign a sufficient reason for charging upon such periodicals as the reviews, the numerous magazines, and theological, medical, and law journals, more than three times the amount of postage charged for the same distance on an equal weight of newspapers. Such periodicals are less ephemeral than the ordinary newspapers, and certainly not less beneficial in their influence. The same rates of postage, according to their weight, would be just and equitable, would simplify the accounts of the Department, and relieve it from the perplexing and often invidious duty of discriminating between different publications, and declaring one a newspaper and another not a newspaper, in cases where little difference can be perceived, and where the changed character of the next number might render it proper, in respect to such numbers, to reverse both decisions.[62]

That the postmaster general wanted to treat newspapers and magazines alike was not surprising since earlier that year Attorney General J. J. Crittenden had refused to discriminate between the two on the grounds that the difference was a question of fact and not law. Crittenden said he had no opinion on the matter, and advised that lexicographers and publishers were better qualified to make such determinations.[63]

The first uniform rate for newspapers and magazines was adopted

in the Act of August 30, 1852. For conveyance to any part of the United States, postage was assessed at 1 cent for the first three ounces, and 1 cent for each additional ounce. As under the previous law, charges were reduced by half if postage was paid in advance. And the 1852 legislation allowed payment at the office of mailing. Prepayment by publishers had been optional all along though certainly not common. Apparently some magazines adopted this practice to stimulate sales.[64] There was a special category for small newspapers and magazines circulated in the state of publication. Those under 1 1/2 ounces could be mailed for half the regular rates, or 1/2 cent each.[65]

Other privileges traditionally reserved to newspapers were granted to magazines, too. Publishers of periodicals could exchange copies among themselves, and bills could be sent to subscribers postage-free enclosed in the publication. One difference in the treatment of newspapers and magazines remained: newspapers could be carried outside the mails on post roads for delivery to subscribers, but magazines and pamphlets so carried could only be delivered to agents, not directly to the readers. This may have been a concession to the more powerful newspaper lobby, plus it recognized that private carriers could provide better service than the post office for the huge volumes of newspapers delivered daily. Private distribution firms began handling some of the business in the early 1850s.[66]

The debates leading to the passage of the 1852 post office law did not dwell on periodical postage. Establishing a uniform rate for newspapers, magazines, and books does not appear to have been a contentious aspect of the legislation. It probably represented a culmination of many years of frustration in trying to distinguish between the different types

of publications. The only alteration which received much attention was the elimination of the various zones used to calculate postage under the 1851 law. Those objecting to zoning noted that it discouraged the long-distance circulation of publications, which was especially injurious to readers in the Far West and on the Pacific Coast.[67]

It took eleven years to make the fairly short progression from the uniform rates of the 1852 law to the creation of a single category embracing all periodical publications. In the intervening years, a few problems involving periodicals cropped up. An 1861 act established a rate of 1 cent per ounce for most printed matter sent from east of the Rocky Mountains to a state or territory on the Pacific Coast. Since the law did not allow postage to be abated for prepayment, in effect it doubled postage to the West Coast. The law also allowed the overland mail contractors to take up to 35 days to transport magazines while it mandated 20-day service for letters and newspapers.[68]

In 1862, a group of citizens calling itself the New York Postal Reform Committee, including some notable publishers, complained to Congress about a recent decision of the Post Office Department. Apparently the department had ruled that separate leaves of advertisements in periodicals subjected them to letter postage. The petitioners said this made "an unjust discrimination against the publishers of periodicals, and in favor of the proprietors of newspapers." Their general solution was to create one rate scale which applied to all publications.[69]

Policymakers with expertise in postal affairs led the drive for further reforms which ended with the passage of the Act of March 3, 1863. The act created three classes of mail, the second of which covered all publications issued at stated intervals from a known office to bona fide

subscribers. This last part of the definition relegated the occasional advertising circulars to the third class. The standard size limit for periodicals was four ounces, up one ounce from the 1852 law, and there was no zoning provision. Prepayment of one quarter's postage, at least on periodicals, was now mandatory.[70]

Whatever its other merits, the new law discriminated against publications issued less often than once a week. Any periodical appearing at least once a week paid about two-fifths of a cent per copy. But those appearing less frequently were charged 1 cent apiece. Regardless of frequency, the postage rose proportionally for each additional 4 ounces.[71]

Effects of Postal Policy on Magazines

Unfortunately, the scant extant data make it difficult to determine the number of magazines sent in the mails at various times; revenue from magazine postage was lumped together with that from newspapers and pamphlets. The postmaster general said that of the $180,656 collected on newspapers and pamphlets in 1829, not more than one-fifth came from magazines.[72] In 1838, the postmasters at several large cities kept track of the various types of mail entered at their offices during one week. New York recorded 1,644 pounds of pamphlets (including magazines) mailed at its office compared to 16,642 pounds of newspapers; Philadelphia reported 2,020 pounds of pamphlets and 18,433 pounds of newspapers. The postmaster at Philadelphia estimated that "The weight of chargeable pamphlets sent in the first week of each month is greater by 100 per cent. than is shown by his report of June 17, owing to the greater number of their periodicals being published on the 1st of every month." One might speculate that the same would have been true for the New York figures.[73]

An 1843 count gives a fairly good idea of where magazines were being sent in the mails. Figures for October of that year show how many newspapers and magazines were received in each state and territory.[74] In one month, 3,027,879 regular newspapers were mailed to subscribers compared to 134,646 magazines (see Table 3). Nationally, there were 6.1 persons for every postage-paying newspaper delivered by mail, but more than 137 persons for every magazine. At the regional level, the relative dependence on the mails for newspapers and magazines was about the same. New England made the greatest use of the mails to obtain both newspapers and magazines. Relative to their population, the South Central states made the least use for both types of periodicals. Roads and postal facilities were probably so primitive that the mails were of little use in bringing bulky publications to the scattered populations of the South Central region. Where the Mid-Atlantic ranked second in receiving newspapers, it was third in getting magazines, just the reverse of the North Central United States. The slightly greater dependence of the North Central states in using the mails to get magazines than for newspapers is understandable since it had enough small cities to produce a fair circulation of newspapers, but it still lacked the large urban areas that were usually headquarters for magazine publishers. Most of the largest magazines, especially those few attaining truly national circulations, issued from New York City, Philadelphia, and Boston.[75]

Relegating magazines to a postal status less desirable than that enjoyed by newspapers arose from two factors. Policymakers expressed a clear bias for newspapers: they deemed it more important to encourage the circulation of timely information, usually about politics, than the more timeless discussions of art, literature, professional matters, and other

Table 3

Newspapers and Magazines Received in the States and Territories During October 1843

States and Territories	Newspapers[a]		Magazines[b]	
	Number	Persons per Copy	Number	Persons per Copy
Maine	141,944	3.7	3,787	139.0
New Hampshire	58,450	5.0	3,921	75.1
Vermont	62,863	4.8	3,241	92.1
Massachusetts	261,086	3.1	10,433	78.1
Rhode Island	30,595	3.9	1,065	113.1
Connecticut	83,622	3.9	5,094	64.4
New England	638,560	3.7	27,541	86.5
New York	586,666	4.5	22,197	118.5
New Jersey	61,554	6.6	1,977	206.5
Pennsylvania	343,858	5.5	11,944	159.1
Mid-Atlantic	992,078	5.0	36,118	136.7
Delaware	18,211	4.5	244	336.6
Maryland	86,316	5.8	3,004	167.8
District of Columbia	12,816	3.1	1,915	20.4
Virginia	168,989	6.2	10,245	102.8
North Carolina	61,243	12.9	2,664	295.8
South Carolina	64,049	9.6	2,775	222.2
Georgia	97,010	7.8	4,158	181.8
Florida Terr.	9,652	6.7	478	134.7
South Atlantic	518,286	7.5	25,483	153.2
Alabama	74,123	8.7	2,812	229.4
Mississippi	59,014	7.5	2,423	183.6
Louisiana	39,268	10.2	1,425	282.1
Arkansas	13,436	9.8	476	275.8
Tennessee	67,922	13.0	2,774	317.7
Kentucky	80,691	10.4	5,505	152.7
South Central	334,454	10.0	15,415	217.0
Ohio	274,253	6.0	14,544	114.0
Michigan	63,187	4.2	2,223	120.5
Indiana	68,049	11.4	5,468	142.0
Illinois	64,874	9.1	3,034	194.1
Missouri	46,394	10.2	3,861	122.6
Iowa Terr.	9,631	9.1	364	241.3
Wisconsin Terr.	18,113	6.3	595	190.4
North Central	544,501	7.3	30,089	131.8
Total	3,027,879	6.1	134,646	137.7

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[a] This includes only regular papers sent to subscribers; omitted are free exchanges among editors and occasional papers.

[b] These figures were taken from the category labeled "periodical" under the heading "pamphlets and magazines."

Sources: "Report of the Postmaster General," Senate Report No. 50, Jan. 18, 1844, 28th Cong., 1st sess. The 1840 Census was used for the population figures.

topics. The Post Office Department itself was not eager to accept matter that was heavy, especially if it received preferential treatment as did newspapers. Postal officials believed that magazines and the like would burden the already slow mails and that if accorded newspaper rates it would just stimulate the mailing of publications that cost more to handle than they generated in revenue. Since the limitations on transportation lay at the bottom of the problem, the widespread circulation of magazines and other bulky matter through the mails did not occur until railroad lines were well established.[76]

The disparity between newspaper and magazine rates prompted publishers to design their publications to resemble newspapers regardless of the contents. Consequently, material that appeared as books in Europe was published in a newspaper format in the United States. The postal status of magazines improved by the middle of the nineteenth century. Not only were there improved modes of transportation to accommodate bulkier mails, but the post office grew tired of making fine distinctions among publications based on slight differences in contents. Also, since private expresses had begun carrying magazines, the post office, to put down this competition, opened its facilities to non-newspaper periodicals.

The creation of the second-class mail category in 1863 represented a partial victory for magazine publishers. Postage was now content neutral: no longer did thousands of postmasters have the power to decide that a publication carried insufficient news to qualify for the most preferred rates--those reserved for newspapers. Frequency of publication, however, remained grounds for some discrimination. Periodicals issued less than once a week--mostly magazines--continued to pay slightly higher postage.

Notes

1. Frank L. Mott, A History of American Magazines (Cambridge: Harvard University Press, 1930), I, pp. 18-19. Mott reports that Congress "voted down by a large majority a proposal to include magazines as well as newspapers in" the 1792 law. Ibid., p. 18. But the fragments of debates preserved in the Annals of Congress do not mention any discussion of magazine postage.

2. Act of May 8, 1794. 1 United States Statutes at Large 362. [Hereafter cited as U.S. Stat.]

3. Mott, American Magazines, I, pp. 119-20; James Playsted Wood, Maazines in the United States 2d ed. (New York: Ronald Press Co., 1956), p. 24.

4. Post-Office Law, Regulations, Forms and Tables of Distances (Philadelphia: n.p., 1798), p. 52. [Hereafter cited as Laws and Regulations.]

5. 1804 Laws and Regulations 60.

6. 1808 Laws and Regulations 36.

7. 1817 Laws and Regulations 77.

8. Neal L. Edgar, A History and Bibliography of American Magazines, 1810-1820 (Metuchen, N.J.: Scarecrow Press, 1975), p. 15.

9. Circular to postmasters, March 3, 1815. Letterbooks of the Postmaster General, T, p. 118. Record Group 28, National Archives. [Hereafter cited as Leterbooks.]

10. To [?] Pickering, March 11, 1815. Letterbooks, T, p. 118.

11. Edgar, American Magazines, p. 15.

12. 3 U.S. Stat. 265.

13. 1817 Laws and Regulations 98.

14. 4 U.S. Stat. 105.

15. Mechanics Register Feb. 8, 1837, p. 16 quoted in David P. Forsyth, The Business Press in America (Philadelphia: Chilton, 1964), p. 331.

16. Act of March 3, 1825, 4 U.S. Stat. 111.

17. House Report 909, 25th Cong., 2d sess., May 18, 1838, pp. 3-4.

18. 1825 Laws and Regulations 29.

19. Forsyth, Business Press, p. 331.

20. Postmaster General's circular, June 10, 1828, published in New Orleans Price-Current and Commercial-Intelligencer, Sept. 20, 1828, quoted in Forsyth, Business Press, p. 331.

21. To [?]evitt, Oct. 27, 1829, Letterbooks, W, p. 332.

22. 4 U.S. Stat. 238.

23. 1832 Laws and Regulations 37.

24. "Postage on Newspapers and Periodicals," American State Papers: Post Office No. 116, 22d Cong., 1st sess., Feb. 13, 1832.

25. Ibid., pp. 341-43, quote at 342.

26. See Congressional Globe 23d Cong., 1st sess., May 20, 1834, p. 396 for one proposal to make magazine postage more equitable.

27. Ibid., 26th Cong., 1st sess., April 14, 1840, p. 321.

28. Joshua Leavitt, "The Post Office Department," Hunt's Merchants' Magazine, November 1843, p. 438.

29. Annual Report of the Postmaster General, 1840, p. 487. [Hereafter cited as PMG Annual Report.]

30. 4 Opinions of the Attorney General 10-13, quote at 11 (March 18, 1842).

31. Ibid. See also 1843 Laws and Regulations 19-22 where the opinion is reproduced.

32. 4 Opinions of the Attorney General 302-03 (Jan. 22, 1844).

33. Edmund Charles & Son, Suggestions upon the Nature and Disadvantages of the Present Post Office Tariff. . . . [Dedicated to Members of the Post Office Committee & Members of Congress Generally] (New York: Edmund Charles & Son, 1844).

34. Mott, American Magazines, I, pp. 358-63; Merle M. Hoover, Park Benjamin: Poet and Editor (New York: Columbia University Press, 1948), pp. 89-90, 100-05; Joy Bayless, Rufus Wilmot Griswold: Poe's Literary Executor (Nashville: Vanderbilt University Press, 1943), pp. 28-30.

35. James J. Barnes, Authors, Publishers and Politicians: The Quest for an Anglo-American Copyright Agreement, 1815-1854 (London: Routledge & Kegan Paul, 1974), pp. 6-8; John Tebbel, A History of Book Publishing in the United States (New York: R.R. Bowker, 1972), I, p. 242.

36. Barnes, Authors, Publishers and Politicians, p. 15.

37. Barnes failed to find any evidence that book publishers lobbied for the imposition of higher charges on the mammoth papers. But compare Tebbel, Book Publishing, I, p. 245, who implies that book publishers had a hand in securing higher rates for their rivals; Eugene Exman, The House of Harper (New York: Harper and Row, 1967), p. 26, notes that Fletcher Harper took a trip to Washington just beforre the 1843 ruling imposing pamphlet postage on the mammoths; Sheila McVey, "Nineteenth Century America: Publishing in a Developing Country," Annals of the American Academy of Political and Social Science 421 (September 1975), p. 73, writes that book publishers lobbied for the higher rates.

38. 1841 PMG Annual Report 460; Barnes, Authors, Publishers and Politicians, pp. 18-29.

39. Barnes, Authors, Publishers and Politicians, pp. 18-19; 4 Opinions of the Attorney General 10-13 (March 18, 1842).

40. Barnes, Authors, Publishers and Politicians, p. 19.

41. 1843 Laws and Regulations 19.

42. Barnes, Authors, Publishers and Politicians, pp. 20-21.

43. Littell's Living Age, June 22, 1844, p. 322.

44. Congressional Globe 27th Cong., 2d sess., July 22, 1842, p. 776.

45. Ibid., July 23, 1842, p. 781.

46. Ibid., July 27, 1842, p. 796.

47. House Report 1101, 27th Cong., 1st sess., Aug. 30, 1842, p. 1.

48. Congressional Globe 28th Cong., 1st sess., March 22, April 16, 23, 1844, pp. 422-23, 520, 547.

49. Frank L. Mott, Golden Multitudes: The Story of Best Sellers in the United States (New York: Macmillan, 1947), pp. 76-79.

50. Barnes, Authors, Publishers and Politicians, pp. 22-23.

51. Ibid., pp. 23-29.

52. Act of March 3, 1845, 5 U.S. Stat. 733, 737; Mott, American Magazines, I, p. 518.

53. 1847 Laws and Regulations 24.

54. 4 Opinions of the Attorney General 408-10, quote at 410.

55. The 1847 regulations, closely paraphrasing the statute, defined newspapers, pamphlets and books as follows: "152. A newspaper is

defined to be any printed publication issued in numbers, and published at stated intervals of not more than a month, conveying intelligence of passing events. It generally consists of a sheet, but may be composed of two sheets, of paper. In such case it is chargeable with only single newspaper postage; provided the two sheets, in the aggregate, do not exceed nineteen hundred square inches. If it exeed [sic] that superficial extent, it is to be rated as a pamphlet. . . .

"160. A pamphlet is a small unbound printed book. A magazine is a pamphlet published periodically, in numbers, containing articles on science, literature, politics, news, &c. &c." 1847 Laws and Regulations 24-5.

56. L. Bacon, "The New Post-Office Law," New Englander, October 1845, p. 541.

57. 1847 Laws and Regulations 24; 5 U.S. Stat. 733, 738; 5 Opinions of the Attorney General 408 (July 22, 1845).

58. Congressional Globe 30th Cong., 1st sess., June 21, Aug. 11, 1848, pp. 862, 1065; Congressional Globe 30th Cong., 2d sess., Jan. 17, 1849, p. 276.

59. 9 U.S. Stat. 588.

60. Ibid., pp. 588-89; Eli Bowen, The United States Post-Office Guide (New York: D. Appleton and Co., 1851), p. 43.

61. For examples of criticisms of the 1851 law, see ibid. p. 42; and Barbara Bates, "Postal Reform," Harper's Magazine, November 1851, pp. 837-39.

62. 1851 PMG Annual Report 26.

63. 5 Opinions of the Attorney General 376-77 (June 13, 1851).

64. Mott, American Magazines, II, p. 19; Forsyth, Business Press, p. 332.

65. 10 U.S. Stat. 38-39.

66. 1852 Laws and Regulations 7, 25, 49; U.S. Mail and Post Office Assistant, October 1860, p. 3; Mott, American Magazines, II, p. 13.

67. Congressional Globe 32d Cong., 1st sess., July 10, Aug. 20, 1852, pp. 1725-28, 2268.

68. Act of Feb. 27, 1861, 12 U.S. Stat. 170.

69. "Petition of Citizens of New York Praying A Postal Reform," Senate Misc. Doc. 50, 37th Cong., 2d sess., Feb. 14, 1862.

70. 12 U.S. Stat. 707.

71. Ibid., p. 708.

72. "Postage on Newspapers," American State Papers No. 120, 22d Cong., 1st sess., May 19, 1832, p. 347.

73. 1840 PMG Annual Report 490.

74. "Report of the Postmaster General," Senate Report 50, 28th Cong., 1st sess., Jan. 18, 1844.

75. Mott, American Magazines, I, pp. 375-91.

76. Edward G. Daniel, United States Postal Service and Postal Policy, 1789-1860 (Ph.D. disst., Harvard University, 1941), p. 71.